

Message Text

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PAGE 01 STATE 138786
ORIGIN ARA-14

INFO OCT-01 IO-13 ISO-00 /028 R

66011

DRAFTED BY ARA/ECA:JWCHAMBERLIN:TR

APPROVED BY ARA/ECA:RWZIMMERMANN

-----041580 020533Z /23

R 011945Z JUN 78

FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK

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FOLLOWING REPEAT BRASILIA 4305 ACTION SECSTATE INFO RIO
DE JANEIRO SAO PAULO TEL AVIV BONN JERUSALEM VIENNA WARSAW
MAY 31.

QUOTE: LIMITED OFFICIAL USE BRASILIA 4305

E.O. 11652: N/A

TAGS: SHUM, SREF, BR

SUBJECT: NAZI WAR CRIMINAL GUSTAV FRANZ WAGNER

REF: BRASILIA 4286

1. EMBASSY CONTACTED ISRAELI AND FRG EMBASSIES MAY 31
CONCERNING INDIVIDUAL IDENTIFIED AS NAZI WAR CRIMINAL GUSTAV
FRANZ WAGNER, WHO HAS BEEN HELD SINCE MAY 30 BY SAO PAULO
POLICE (REFTEL).

2. ISRAELI COUNSELOR ITZHAK SARFATY TOLD EMBOFF THAT
HE WAS IN FREQUENT CONTACT WITH JERUSALEM AND SAO PAULO
ON WAGNER CASE, AND EXPECTS "RICH" FUND OF DOCUMENTATION
ON DETAINEE'S ACTUAL IDENTITY AND ALLEGED WAR CRIMES TO
BE DELIVERED TO GOB ON JUNE 1. SARFATY, HOWEVER, HAD NO
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DOUBT AS TO WAGNER'S CULPABILITY OF WAR CRIMES AT SOBIBER.
HE REPORTED THAT ON MORNING OF MAY 31 EYEWITNESSES HAD
IDENTIFIED MAN IN CUSTODY AS GUSTAV FRANZ WAGNER, A "VERY HIGH
OFFICIAL" AT SOBIBOR CONCENTRATION CAMP WHO MAY HAVE BEEN
IN CHARGE OF CONSTRUCTION BUT WHO HAD PERSONALLY
KILLED JEWISH CHILDREN. SARFATY CAREFULLY AVOIDED
ISSUE OF WHETHER THIS WAGNER WAS THE SAME MAN WHO

WAS REPORTED BY WIESENTHAL TO HAVE BEEN VICE-COMMANDANT AT TREBLINKA, BUT EXPRESSED CONFIDENCE THAT DOCUMENTATION WOULD CLARIFY IDENTITY.

3. SARFATY SAID THAT ISRAELI GOVERNMENT HAD NOT YET DECIDED ON COURSE OF ACTION ONCE WAGNER IS FIRMLY IDENTIFIED. ISRAEL HAS NO EXTRADITION TREATY WITH BRAZIL BUT SARFATY POINTEDLY REFERRED TO OBLIGATION BY ALL SIGNATORIES TO 1948 GENOCIDE CONVENTION TO PUNISH NAZI WAR CRIMINALS. SARFATY HAS TALKED WITH OFFICIALS AT BOTH AUSTRIAN AND FRG EMBASSIES, AND CONFIRMED THAT ALL THREE GOVERNMENTS HAVE REQUESTED THAT THE GOB DETAIN WAGNER PREPARATORY TO A FORMAL REQUEST FOR EXTRADITION. SARFATY OPINED THAT AUSTRIA PROBABLY HAD THE BEST CLAIM, SINCE AUSTRIAN COURT HAD HANDED DOWN INDICTMENT AGAINST WAGNER (EVIDENTLY BASED ON SUFFICIENT EVIDENCE) 14 YEARS AGO.

4. FRG COUNSELOR LEWALTER CONFIRMED TO EMBOFF MAY 31 THAT EMBASSY HAD ASKED GOB MAY 26 TO DETAIN WAGNER WHILE SIMULTANEOUSLY FRG STATE PROSECUTOR SOUGHT MANDATE IN GERMANY FOR WAGNER'S ARREST. LEWALTER INDICATED FRG HAS NO TREATY OF EXTRADITION WITH GOB BUT SAID ON BASIS OF RECIPROCITY BOTH GOVERNMENTS HAD COOPERATED ON EXTRADITION IN THE PAST. HE ADDED THAT COMPLICATING FACTOR IN EXTRADITION MIGHT BE WAGNER'S CLAIM TO HAVING BRAZILIAN CITIZEN CHILDREN. (FYI: DEPT MAY LIMITED OFFICIAL USE

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RECALL THAT ESCAPED BRITISH MURDERER AND PARTICIPANT IN "GREAT TRAIN ROBBERY" RONALD BIGGS HAS SUCCESSFULLY ESCAPED EXTRADITION TO UK ON GROUNDS THAT HE IS THE PARENT OF BRAZILIAN CITIZEN CHILDREN). LEWALTER SAID THAT GERMAN PROSECUTOR HAD ATTEMPTED TO BUILD A CASE IN FRG AGAINST WAGNER ABOUT TEN YEARS AGO, BUT HAD FAILED FOR LACK OF EVIDENCE. IRSRAELIS IN BRASILIA HAD TOLD LEWALTER THAT THEY HAD SUBSTANTIAL EVIDENCE AGAINST WAGNER IN JERUSALEM. ACCORDING TO LEWALTER THERE WAS NO STATUTE OF LIMITATIONS ON CASE, NOR PROBLEMS OF VENUE BECAUSE OF WAGNER'S AUSTRIAN NATIONALITY, TO PREVENT HIM FROM BEING TRIED IN THE FRG. LEWALTER ADDED THAT WAGNER HAD ADMITTED TO FRG CONSUL IN SAO PAULO, WHO VISITED HIM IN PRISON, MAY 30, THAT HE WAS AN SS SENIOR NCO AT ONE OF THE CAMPS. HE CLAIMED NEVER TO HAVE BEEN AN OFFICER. LEWALTER THOUGHT THAT CIRCUMSTANTIAL EVIDENCE WAS STRONG THAT WAGNER WAS INDEED SAME WAGNER SOUGHT AS OF WAR CRIMINAL OF VICE COMMANDANT RANK BY WIESENTHAL. SAYRE UNQUOTE VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: WAR CRIMES, NAZISM, IDENTITY DOCUMENTS, EXTRADITION AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 01 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE138786
Document Source: CORE
Document Unique ID: 00
Drafter: JWCHAMBERLIN:TR
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780230-0691
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t197806106/aaaadngc.tel
Line Count: 113
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: a4c1417d-c288-dd11-92da-001cc4696bcc
Office: ORIGIN ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 BRASILIA 4286
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 20 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2156809
Secure: OPEN
Status: NATIVE
Subject: NAZI WAR CRIMINAL GUSTAV FRANZ WAGNER
TAGS: SHUM, SREF, BR, IS, GE, (WAGNER, GUSTAV FRANZ)
To: USUN NEW YORK
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/a4c1417d-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014